

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)	
)	DOCKET NO. 3:24-CR-213-FDW
v.)	
)	FACTUAL BASIS
KENNETH DELAYNE FORDE)	
_____)	

NOW COMES the United States of America, by and through Russ Ferguson, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the guilty plea to be entered in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea that defendant will tender, and the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime. The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

1. Defendant, Kenneth Delayne Forde, on or about May 7, 2024, in Charlotte, North Carolina, within the Western District of North Carolina, possessed a firearm, to wit: a Glock, Model 42, .380 caliber pistol.

2. Defendant possessed the loaded Glock, Model 42, .380 caliber pistol, in connection with another offense, Simple Possession of Fentanyl and Methamphetamine, which with two prior drug convictions, is a felony punishable by not more than three years imprisonment. At the time of defendant's arrest, he possessed the Glock, Model 42, .380 caliber pistol on his person in a pants pocket. Defendant was seated in the driver's seat of a Mitsubishi car when police conducted the traffic stop. During a search of the car, a pill bottle containing what was later identified as being fentanyl and methamphetamine was found on the driver side floorboard, in close proximity to where defendant was seated. The blue pills inside the pill bottle that was found on the floorboard were later determined by the CMPD Lab to contain 1.12 grams (+ or - 0.03 grams) of fentanyl and 1.85 grams (+ or - 0.12 grams) of methamphetamine. During the course of the investigation,

defendant was advised of his *Miranda* rights, waived, and was interviewed by the police. During the interview, defendant stated the pills were MDMA and that he does not sell them but takes them himself.

3. The defendant possessed the Glock, Model 42, .380 caliber pistol knowingly; that is, the defendant knew that the item was a firearm, and his possession of the firearm was voluntary and intentional.

4. The Glock, Model 42, .380 caliber pistol was manufactured outside of the State of North Carolina and was recovered in Charlotte, North Carolina. Hence, the firearm had traveled in and affected interstate commerce at some point during its existence.

5. The defendant had previously been convicted in some court of a crime punishable by imprisonment for a term exceeding one year. Defendant has a previous conviction for a controlled substance offense. On the date of instant offense, the defendant was a prohibited person, who was not permitted to possess a firearm.

6. The defendant knew that he had previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year.

RUSS FERGUSON
UNITED STATES ATTORNEY


ROBERT J. GLEASON
ASSISTANT UNITED STATES ATTORNEY

3/28/2025

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis and the Bill of Indictment in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis and the Bill of Indictment. I hereby certify that the defendant does not dispute this Factual Basis.



Nicole Lybrand, Esquire, Attorney for Defendant

DATED: 3/27/25



Carson Smith, Esquire, Attorney for Defendant

DATED: March 27, 2025